

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

Your Committee on **Roads and Transportation**, to which was referred Engrossed
Senate Bill 395, has had the same under consideration and begs leave to report the same
back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, between lines 9 and 10, begin a new paragraph and insert:
- 2 "SECTION 2. IC 9-13-2-42, AS AMENDED BY P.L.74-2001,
- 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2004]: Sec. 42. (a) "Dealer" means, except as otherwise
- 5 provided in this section, a person who sells to the general public,
- 6 including a person who sells directly by the Internet or other computer
- 7 network, at least twelve (12) vehicles each year for delivery in Indiana.
- 8 A dealer must have an established place of business that meets the
- 9 minimum standards prescribed by the bureau under rules adopted under
- 10 IC 4-22-2.
- 11 (b) The term does not include the following:
- 12 (1) A receiver, trustee, or other person appointed by or acting
- 13 under the judgment or order of a court.
- 14 (2) A public officer while performing official duties.
- 15 (3) A person who is a dealer solely because of activities as a
- 16 transfer dealer.

1 **(4) A person that sells off-road vehicles.**

2 (c) "Dealer", for purposes of IC 9-31, means a person that sells to
3 the general public for delivery in Indiana at least six (6) boats per year.

4 SECTION 3. IC 9-13-2-114.6 IS ADDED TO THE INDIANA
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2004]: **Sec. 114.6. "Off-road vehicle" has the meaning set
7 forth in IC 14-16-1-3.**

8 SECTION 4. IC 9-13-2-123, AS AMENDED BY P.L.21-2003,
9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2004]: Sec. 123. (a) "Passenger motor vehicle" means, except
11 as provided in subsection (b), a motor vehicle designed for carrying
12 passengers. The term includes a low speed vehicle but does not include
13 a motorcycle, a bus, ~~or~~ a school bus, **or an off-road vehicle.**

14 (b) For purposes of IC 9-19-10, the term includes buses, school
15 buses, and private buses, and excludes trucks, tractors, and recreational
16 vehicles.

17 SECTION 5. IC 9-17-2-1, AS AMENDED BY P.L.181-1999,
18 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 JULY 1, 2004]: Sec. 1. (a) Within sixty (60) days of becoming an
20 Indiana resident, a person must obtain a certificate of title for all
21 vehicles owned by the person that:

22 (1) are subject to the motor vehicle excise tax under IC 6-6-5; **or**

23 **(2) are off-road vehicles for which a certificate of title was
24 issued by another state;**

25 and **that** ~~(2)~~ will be operated in Indiana.

26 (b) Within sixty (60) days after becoming an Indiana resident, a
27 person shall obtain a certificate of title for all commercial vehicles
28 owned by the person that:

29 (1) are subject to the commercial vehicle excise tax under
30 IC 6-6-5.5;

31 (2) are not subject to proportional registration under the
32 International Registration Plan; and

33 (3) will be operated in Indiana.

34 (c) A person must produce evidence concerning the date on which
35 the person became an Indiana resident.

36 SECTION 6. IC 9-17-2-1.5 IS ADDED TO THE INDIANA CODE
37 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2004]: **Sec. 1.5. A person that purchases an off-road vehicle after June 30, 2004, must obtain a certificate of title for the off-road vehicle from the bureau.**

SECTION 7. IC 9-17-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. If an application for a certificate of title is for a vehicle brought into Indiana from another state, the application must be accompanied by:

(1) the certificate of title issued for the vehicle by the other state if the other state has a certificate of title law; ~~or~~

(2) a sworn bill of sale or dealer's invoice fully describing the vehicle and the most recent registration receipt issued for the vehicle if the other state does not have a certificate of title law; **or**

(3) other information that the bureau requires, if the other state does not have a certificate of title or registration law.

SECTION 8. IC 9-17-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

~~(b)~~ (c) A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

~~(c)~~ (d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

SECTION 9. IC 9-17-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. (a) **This section does not apply to a motor vehicle requiring a certificate of title under section 1(a)(2) or 1.5 of this chapter.**

(b) A person applying for a certificate of title must:

(1) apply for registration of the vehicle described in the application for the certificate of title; or

1 (2) transfer the current registration of the vehicle owned or
 2 previously owned by the person.

3 SECTION 10. IC 9-17-2-17 IS ADDED TO THE INDIANA CODE
 4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2004]: **Sec. 17. A certificate of title issued under this chapter**
 6 **does not relieve an owner of an off-road vehicle from any**
 7 **registration requirement for the off-road vehicle under**
 8 **IC 14-16-1.**

9 SECTION 11. IC 9-17-8-0.5 IS ADDED TO THE INDIANA CODE
 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2004]: **Sec. 0.5. This chapter does not apply to an off-road**
 12 **vehicle.**

13 SECTION 12. IC 9-18-1-1 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 1.** This article does not
 15 apply to the following:

- 16 (1) Farm wagons.
- 17 (2) Farm tractors.
- 18 (3) Farm machinery.
- 19 (4) A new motor vehicle, if the new motor vehicle is being
 20 operated in Indiana solely to remove it from an accident site to a
 21 storage location because:
 - 22 (A) the new motor vehicle was being transported on a railroad
 23 car or semitrailer; and
 - 24 (B) the railroad car or semitrailer was involved in an accident
 25 that required the unloading of the new motor vehicle to
 26 preserve or prevent further damage to it.

27 **(5) Off-road vehicles.**

28 SECTION 13. IC 9-18-18-4 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 4.** Not more than ~~two~~
 30 **(2) five (5)** disabled veteran license plates may be issued to each eligible
 31 person.

32 SECTION 14. IC 9-22-3-0.5 IS ADDED TO THE INDIANA CODE
 33 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle"**
 35 **does not include an off-road vehicle.**

36 SECTION 15. IC 9-23-2-0.5 IS ADDED TO THE INDIANA CODE

1 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 2 1, 2004]: **Sec. 0.5. For purposes of this chapter, "motor vehicle"**
 3 **does not include an off-road vehicle.**

4 SECTION 16. IC 9-23-2.5-0.5 IS ADDED TO THE INDIANA
 5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2004]: **Sec. 0.5. This chapter does not apply to a person**
 7 **that leases off-road vehicles.**

8 SECTION 17. IC 9-23-3-0.1 IS ADDED TO THE INDIANA CODE
 9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 10 1, 2004]: **Sec. 0.1. This chapter does not apply to a person that**
 11 **distributes or manufactures off-road vehicles.**

12 SECTION 18. IC 9-23-4-2 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 2. **(a) This section**
 14 **does not apply to a manufacturer of off-road vehicles.**

15 **(b)** Notwithstanding the terms, provisions, or conditions of any
 16 agreement or franchise, the manufacturer or the converter
 17 manufacturer is liable for all damage to a new motor vehicle before
 18 delivery to a carrier or transporter.

19 SECTION 19. IC 9-23-5-0.5 IS ADDED TO THE INDIANA CODE
 20 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2004]: **Sec. 0.5. This chapter does not apply to a franchise that**
 22 **sells off-road vehicles.**

23 SECTION 20. IC 9-24-7-4 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. A learner's permit
 25 authorizes the permit holder to operate a motor vehicle, except a
 26 motorcycle, upon a public highway under the following conditions:

27 (1) While the holder is participating in practice driving in an
 28 approved driver education course and is accompanied by a
 29 certified driver education instructor in the front seat of an
 30 automobile equipped with dual controls.

31 (2) If the learner's permit has been validated and the holder is less
 32 than eighteen (18) years of age, the holder may participate in
 33 practice driving if the seat beside the holder is occupied by a
 34 guardian, **stepparent**, or relative of the holder who holds a valid
 35 operator's, chauffeur's, or public passenger chauffeur's license.

36 (3) If the learner's permit has been validated and the holder is at

1 least eighteen (18) years of age, the holder may participate in
 2 practice driving if accompanied in the vehicle by an individual who
 3 holds a valid operator's, chauffeur's, or public passenger
 4 chauffeur's license.

5 (4) While:

6 (A) the holder is enrolled in an approved driver education
 7 course;

8 (B) the holder is participating in practice driving after having
 9 commenced an approved driver education course; and

10 (C) the seat beside the holder is occupied by a parent,
 11 **stepparent**, or guardian of the holder who holds a valid
 12 operator's, chauffeur's, or public passenger chauffeur's
 13 license.

14 SECTION 21. IC 14-16-1-9.5 IS ADDED TO THE INDIANA
 15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2004]: **Sec. 9.5. Registration under this chapter does not**
 17 **relieve an owner of an off-road vehicle from any requirement to**
 18 **obtain a certificate of title for the off-road vehicle under**
 19 **IC 9-17-2."**

20 Renumber all SECTIONS consecutively.

(Reference is to SB 395 as printed January 23, 2004.)

and when so amended that said bill do pass.

Representative Reske